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# Exhibit 3

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April 24, 2024

**Via E-mail Only**

Brett Ingerman ([Brett.Ingerman@us.dlapiper.com](mailto:Brett.Ingerman@us.dlapiper.com))  
DLA Piper LLP (US)  
The Marbury Building  
6225 Smith Avenue  
Baltimore, Maryland 21209-3600

**Re: *Miller, et al. v. Arab Bank, PLC*, No. 18-cv-2192 (HG)(PK)  
*Pam, et al. v. Arab Bank, PLC*, No. 18-cv-4670 (HG)(PK)**

Dear Brett:

This letter responds on behalf of *Pam* and *Miller* Plaintiffs to your letter of April 5, 2024, which for the first time—months after the completion of the Plaintiffs’ document productions—seeks information concerning the sources of Plaintiffs’ ESI, and the methods by which that data was collected and processed. Given the fact that Plaintiffs completed their 18-month long rolling productions of ESI in September 2023, and that defense counsel had numerous opportunities to participate in shaping the search terms and commenting on the ESI retrieval process while that process was being conducted, we regard your belated demand for discovery-on-discovery as a ploy to deflect attention from your client’s non-production of ESI. Your observation that not every Plaintiff produced ESI from every source (*i.e.*, “some Plaintiffs have produced text messages, some Plaintiffs have produced WhatsApp messages, some Plaintiffs have produced certain social media information”) does not justify the discovery-on-discovery that you now seek. Rather, it reflects the obvious fact that different Plaintiffs prefer different methods of electronic communication.

Your letter correctly notes that “some Plaintiffs have produced no ESI at all.” A total of two *Pam* Plaintiffs and nine *Miller* Plaintiffs have not produced any ESI. Five of those Plaintiffs are the estates of individuals who died before the *Pam* and *Miller* actions were filed, and whose ESI was not, as far as we can determine, preserved after their deaths.<sup>1</sup> Three other *Miller* Plaintiffs have no ESI because they do not (or did not) use electronic devices, e-mail, or social media. They are Sarah Elyakim, who is 74 years old, Eli Cohen, who has a court-appointed legal guardian, and the Estate of Sylvia Haar (who died on May 31, 2020 at the age of 93). Finally, application of the agreed-upon search terms to the ESI of *Miller* Plaintiffs Bernice Zahavy, Esther Rozenstein, and

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<sup>1</sup> The five estate Plaintiffs for whom no ESI was collected are *Pam* Plaintiffs the Estate of Shoshana Bluth (who died on August 6, 2015) and the Estate of Shoshona Spitz (who died on December 4, 2017), and *Miller* Plaintiffs the Estate of Aaron Haar (who died on May 28, 2015), the Estate of Al Sokolow (who died on January 8, 2018), and the Estate of Ella Bauer (who died on February 26, 2017).

Brett Ingerman ([Brett.Ingerman@us.dlapiper.com](mailto:Brett.Ingerman@us.dlapiper.com))  
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Yael Hillman did not result in the identification of any documents responsive to Arab Bank's discovery requests.

Of the eleven Plaintiffs who have produced no ESI, only the personal representative of the Estate of Shoshona Spitz, Eliezer Spitz, is scheduled to be deposed in Israel next month. We note that Arab Bank has already completed the depositions of eight of the eleven Plaintiffs who produced no ESI, or their personal representatives, without taking issue with their non-production of ESI.

Without waiver of our position that your current inquiries are unjustified and untimely, we note that our IT consultants in Israel have been on vacation since before last week and will not return to the office until the end of April. We will respond to your inquiries regarding the collection and processing of ESI for the Plaintiffs resident in Israel (including the *Pam* Plaintiffs scheduled to be deposed in May) as promptly as we can after our consultants return from vacation, and well in advance of the depositions scheduled for May 19-25, 2024.

Sincerely,

/s/ Susan M. Davies  
FLEISCHMAN BONNER & ROCCO LLP  
for *Pam* Plaintiffs

/s/ Zarah R. Dean  
KOHN SWIFT & GRAF, P.C.  
for *Miller* Plaintiffs